

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.4567 of 2006

Shashikant Shripad Vijaykar	Applicant
Vs.	
The State of Maharashtra	Respondent
Ms.Uma Wagle for applicant.	
Dr.S.S.Tatkare, APP for State.	

CORAM: B.H.MARLAPALLE,J.

January 15, 2007.

P.C.

. Heard Mrs.Wagle, the learned counsel for the applicant and the learned APP for the State. C.R. No.194/2006 has been registered against the applicant with the Murbad Police Station for the offences punishable under Sections 420 and 406 of IPC and, therefore, apprehending arrest the applicant approached the Sessions Court at Kalyan for anticipatory bail under Section 438 of Cr.P.C. by filing Criminal Misc. Application No.835 of 2006 and the same came to be rejected on 18/12/2006 and hence this application for anticipatory bail.

. It appears that the complaint has been filed by one Shri A.A. Choudhari in his capacity as the Manager of M/s. Technocraft Industries (India) Ltd.,

A-25, MIDC, Marol, Andheri (East). Complainant company appears to be supplying some fabricated scaffoldings, slipforming and cold form structures and has also been offloading the fabrication to other parties including M/s. S.S. Consultants & Engineers which appears to be a proprietary concern of the applicant. The documents on record show that there is some dispute going on between the parties regarding the correctness of the recovery amounts claimed by each of them. The complaint seems to be arising from the supplies which M/s. Technocraft Industries (India) Ltd. made to M/s. Shobha Developers at Bangalore. The complainant-company is of the view that the pipe used in fabricating was not the same which was supplied by it and, therefore, items supplied by the applicant were substandard. Even if that be the case, the complainant has a civil remedy either by way of arbitration or by way of a civil suit. This is not a case where the police are required to obtain the custody of the applicant for his custodial interrogation. The reasoning given by the learned Ad-hoc Addl. Sessions Judge in rejecting the application submitted by the applicant for anticipatory bail cannot be accepted and perhaps the Court below could not appreciate that the dispute

between the parties was substantially of civil nature.

. Hence this application succeeds and it is directed that in the event of the arrest of the applicant in connection with C.R. No. I-194 of 2006 registered with Murbad Police Station, he shall be released on bail by furnishing PR bond in the sum of Rs.10,000/- with one solvent surety for the like amount and on the condition that he will be available for interrogation as and when the I.O. calls upon him, at least for a period of four weeks from today.

(B.H